



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
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Chapter:	C	Initial Response	4-1-2013
Subchapter:	6	Investigative Findings	
Issuance:	300	Notification of Investigation Findings	

DCF Finding Determination Notices 4-1-2013

At the close of a CPS investigation, upon making a finding determination in accordance with this policy and [CP&P-II-C-6-100](#), CPS Investigation Finding Determinations - Four (4) Tier Findings, the assigned CP&P Worker or the PDCIU Investigator sends CPS finding determination notices, as applicable. Notices (form letters, completed as templates) include:

- CP&P Form [9-28](#), Notification Letter to Perpetrator (Substantiated Perpetrator), If Child Abuse/Neglect is Substantiated
- CP&P Form [9-36](#), Notification Letter to Perpetrator (Established Perpetrator) If Child Abuse/Neglect is Established
- CP&P Form [9-28a](#), Notification Letter to Non-Offending Parent/Caregiver if Child Abuse/Neglect is Substantiated
- CP&P Form [9-37](#), Notification Letter to Non-Offending Parent/Caregiver if Child Abuse/Neglect is Established
- CP&P Form [9-38](#), Notification Letter to Parent, Guardian or Caregiver and Alleged Perpetrator if Child Abuse/Neglect is Not Established
- CP&P Form [9-30](#), Notification Letter to Parent, Guardian or Caregiver and Alleged Perpetrator if Child Abuse/Neglect is Unfounded

Advising Perpetrator of Case Findings 4-1-2013

The designated person in each Local Office sends this notification letter by **both** Certified and Regular Mail. See CP&P Form [9-28](#), Notification Letter to Perpetrator (Confirmed), If Child Abuse/Neglect is Substantiated, form instructions. Notification is made within ten (10) days of the finding of Substantiated child abuse/neglect to those

persons identified as confirmed perpetrators (i.e., "Substantiated perpetrators"). **The notification letter to Substantiated perpetrators is sent by both Certified and Regular mail.**

Click [here](#) to view instructions on sending letter by certified mail.

For allegations that are **Established, Not Established, or Unfounded**, notification is **sent by regular mail only**. Retain a copy for the case record.

For cases in litigation, document the finding in NJS and make notifications, **unless** the DAG has determined that notification of the investigation findings would interfere with the litigation.

CP&P may delay notice to the perpetrator, if the police or County Prosecutor has determined that such notification would interfere with the criminal investigation, may lead to destruction or suppression of evidence, and/or may prevent the County Prosecutor's Office from being able to prove a criminal charge, as long as the delay will not put the child(ren) at risk. Whenever a CPS report has been referred to the County Prosecutor's Office, the investigating Worker must contact the County Prosecutor before making notice.

The reason for this is similar to the reasons for delaying an interview with a perpetrator ([CP&P-II-C-4-100](#)). That is, notification of the findings may impede the criminal investigation, may lead to destruction or suppression of evidence, and/or may prevent the County Prosecutor's Office from being able to prove a criminal charge.

The assigned Worker shall advise each person identified as a Substantiated perpetrator in a report of Substantiated abuse or neglect that:

- He or she has been identified as a perpetrator of child abuse or neglect;
- His or her name and identifying information are entered into the Division's child abuse registry, N.J.S.A. 9:6-8.11 (See definition at [CP&P-IX-G-1-100](#) and [CP&P-IX-G-1-200](#)); and
- He or she shall have an opportunity to dispute a finding of Substantiated child abuse or neglect in accordance with N.J.A.C. 10:120A. See also policy and procedures in [CP&P-IX-M-1-100](#), Informal and Formal Dispute Resolution Policy and Procedures.

See [CP&P-III-C-7-100](#), Applicant's and Client's Rights and Responsibilities; [CP&P-III-C-7-100](#), Rights of Clients - Child Protective Service Investigations.

Upon completing an investigation, the CP&P Worker advises each alleged child victim that the investigation has been completed, the finding of the investigation, what efforts will be made to protect him or her from further harm, and how such protection will occur.

The assigned Worker shares information in a manner consistent with, and appropriate to, the child's age, condition, and ability to understand the basis for DCF involvement, the child's ability to cope with the information, and the child's ability to participate in the development, discussion, or implementation of the case plan. See N.J.A.C. 10:129, CHILD PROTECTION INVESTIGATIONS, at Subchapter 7, FINDINGS AND DOCUMENTATION. See [CP&P-III-C-7-100](#).

If a finding is reversed from "Substantiated" to "Established," "Not Established," "Unfounded," or "Not Substantiated" during an appeal or other case practice review, the CP&P Worker may advise the child, as appropriate.

For investigations conducted prior to April 1, 2005, findings may also be reversed to "Not Substantiated." Not Substantiated was eliminated as a finding determination for CPS reports received on or after April 1, 2005. "Established" and "Not Established" were adopted as DCF investigation findings effective April 1, 2013.

Advising the Reporter 4-1-2013

The assigned CP&P Worker or IAIU or PDCIU Investigator may, and, upon written request, he or she shall advise the reporter of the disposition of the investigation, pursuant to N.J.S.A. 9:6-8.10a.b.(18). The assigned Worker or Investigator completes and sends CP&P Form [26-64](#), Letter to Reporter/Referral Source.

No additional information shall be released to a reporter by SCR, CP&P, PDCIU, or IAIU unless the reporter is from an agency authorized to care for, provide treatment to, or supervise a child and/or the parent of a child who is the subject of a CPS report.

Upon request, the assigned Worker or Investigator notifies the reporter of the disposition of the investigation no later than ten (10) calendar days from the date upon which CP&P, IAIU, or PDCIU made its final finding determination.

See [CP&P-II-C-5-175](#) and [CP&P-II-C-5-1000](#), if the reporter is a neighbor.

Advising Non-Offending Parent and Other Caregivers 4-1-2013

The assigned CP&P Worker or IAIU Investigator shall advise, upon completion of the investigation, the parent or caregiver with physical custody at the time of the incident; the parent with whom the child normally resides; the parent to whom the child will be returned, if the child is in an institution at the time of the incident; and the institutional caregiver or Chief Administrator of an institution, if the child is in institutional placement:

- That the investigation has been completed and the finding of the investigation; and

- Whether further services will be offered or provided to the child and family, except in cases involving institutional abuse or neglect.

DCF may advise others, including the non-custodial parent, of investigation findings only as permitted under N.J.S.A. 9:6-8.10a.

Also see [CP&P-IX-G-1-100](#) and [CP&P-IX-G-1-200](#), Limitations to the Release of CPS Information to the Parent or Legal Guardian.

Advising Police of Substantiated Incident 8-9-2010

See [CP&P-IX-G-1-100](#) and [CP&P-IX-G-1-200](#), Disclosure of Client Information to Law Enforcement Agencies/Police.

When a Finding is Upgraded 8-9-2010

When a finding determination is **upgraded**, and investigation finding determination notification letters were previously sent to relevant parties (e.g., alleged perpetrator, non-offending parent/caregiver, local/State police/law enforcement authorities), new finding determination notification letters must be issued by the Local Office.

Call the NJS Help Desk to upgrade the finding in the Investigation Tab in the NJS application. See [CP&P-II-C-6-100](#), Documenting Modifications in Findings in NJS (Not Related to an Appeal) and [CP&P-IX-H-1-100](#), NJ SPIRIT Data Modifications.

When a "Substantiated" Finding is Reversed 4-1-2013

When a finding has been reversed from "Substantiated" to "Established," "Not Established," "Unfounded" or "Not Substantiated" during the appeal process by DCF or a court action, or during a case practice review (e.g., by a Case Practice Supervisor, by AHU during a CARI check, or upon review by the IAIU Chief of Investigations or a designee), and "Substantiation" letters were previously issued, the previously identified perpetrator(s)/appellant(s), parent(s), and other appropriate parties must be notified.

For investigations conducted prior to April 1, 2005, findings may be reversed to "Not Substantiated." Not Substantiated was eliminated as a finding determination for CPS reports received on or after April 1, 2005. "Established" and "Not Established" were adopted as DCF investigation findings effective April 1, 2013.

"Other appropriate parties" include all individuals who received a notice of the original "Substantiated" finding (e.g. local/State police, facility Administrator).

Regardless of the circumstances, whenever an original notice of a "Substantiated" finding was made, new notifications must be sent, if the finding is later reversed.

Within 30 days of a reversal in findings, the Local Office Manager, the Administrator of the Administrative Hearings Unit (AHU), and the IAIU Chief of Investigations ensure that the following steps are taken:

- Notify:
 - **The non-offending parent/caregiver:**
The Local Office, AHU, and IAIU use the **DCF Form [9-82](#)**, Notice to Non-Offending Parent/Caregiver of Change of Child Abuse or Neglect Finding, to give notice to the non-offending parent/caregiver.
 - **The previously identified perpetrator/appellant, local/State police/law enforcement authority, and all other parties who received notice of the original Substantiated finding:**

The Local Office and IAIU use the **DCF Form [9-83](#)**, Notice of Change of Child Abuse or Neglect Finding (CP&P/IAIU), and the Administrative Hearings Unit uses the **DCF Form [9-84](#)**, Notice of Change of Child Abuse or Neglect Finding (AHU), to notify these parties. **IAIU sends the IAIU Form [3-30](#)**, Notice to Law Enforcement to Destroy Information Regarding Child Abuse or Neglect Incident, **to notify the local/State police/law enforcement authority of the reversal of findings.**

The Public Defender Conflict Investigation Unit also may use the DCF Forms 9-82 and 9-83, when its finding is reversed.

The DCF Forms 9-82, 9-83, and 9-84 are prepared electronically, using templates in the on-line Forms Manual (1-10), and are signed by the Local Office Manager, IAIU Chief of Investigations, or Administrator of the Administrative Hearings Unit, as appropriate. See the DCF Forms 9-82, 9-83, and 9-84 and their instructions in the on-line Forms Manual (1-10).

The IAIU Form [3-30](#) is prepared electronically using the template in the in the on-line Forms Manual (IAIU Forms), and is signed by the IAIU Chief of Investigations. See the IAIU Form [3-30](#) and its instructions in the on-line Forms Manual (IAIU Forms).

The assigned Worker may advise the child, if appropriate, of the reversal in findings. See [CP&P-II-C-6-100](#), Advising the Child. IAIU notifies the parent only.

If a case is closed when the reversal determination is made on an appeal, the office making the determination is responsible for sending out the appropriate reversal letters (e.g., LO, at DAG consultation; AHU, after Final Agency Decision). See DCF Form [9-82](#), Form [9-83](#), and Form [9-84](#).

- When preparing the above notices, **take precautions to respect the confidentiality** of agency files and client information:
 - When IAIU staff prepare to notify the non-offending parent/caregiver, **if there are children named in the report from different families:**
 - Write **separate**, individualized notices to **each** parent/family whose child(ren) was specifically named in the reversed finding.
 - Include information about his or her child(ren) only. Do not include identifying information about any other child(ren) associated with the investigation.
 - When LO, IAIU, PDCIU, or AHU staff prepare the DCF Form [9-83](#) or 9-84, **if there are multiple previously identified perpetrators or appellants:**
 - Write **separate**, individualized notices to **each** previously identified perpetrator/appellant whose finding was reversed on appeal.
 - Provide information pertinent to that individual only. Do not include identifying information about any other previously identified perpetrator(s) or appellant(s) associated with the investigation.
- Document the reversal of findings in NJ SPIRIT:
 - If the reversal of findings is the result of an appeal, document the reversal of findings on the Appeals Window in NJS. This reverses the finding in the Investigation Window. Enter the reason for the reversal in the comments section of the Appeals Window. See NJS How Do I Guide - Legal Forms. See [CP&P-II-C-6-100](#), Documenting a Reversed Finding in NJS After an Appeal.
 - If the Local Office Manager or IAIU Chief of Investigations reverses a finding due to a Family Court disposition that abuse or neglect did not occur, or as a result of a case practice review, and a "Substantiated" finding was previously entered into NJS, call the NJS Help Desk to change the finding in the NJS application in the Investigation Tab. See [CP&P-II-C-6-100](#), Documenting Modifications in Findings in NJS (Not Related to an Appeal).

Document the reversal and reasons for the change in the electronic case record, on the Contact/Activity Notes Window, printable as CP&P Form [26-52](#), Contact Sheet. Access the form through the NJS Desktop > Contact/Activity Notes Window > Options Drop-down. Document the reversal and the reasons in the "Supervisory>Other" options.

- Direct questions to the Administrative Hearings Unit regarding a specific investigation or a reversal of findings, if it is related to an appeal.

When correcting a finding determination (for other reasons than those listed above), or correcting other data in NJS, call the Help Desk for assistance. See [CP&P-II-C-6-100](#) and [CP&P-IX-H-1-100](#).

Relevant NJS Forms or Windows 8-9-2010

- Appeals Window
- Contact/Activity Notes Window, to produce CP&P Form [26-52](#), Contact Sheet
- CP&P Form [9-32](#), Confidential Report of Substantiated Child Abuse/Neglect to Law Enforcement Agencies
- CP&P Form [9-33](#), Cover Letter to Law Enforcement -Substantiated Incidents of Child Abuse/Neglect

Other Forms 4-1-2013

- CP&P Form [9-28](#), Notification Letter to Perpetrator (Substantiated Perpetrator) If Child Abuse/Neglect is Substantiated
- CP&P Form [9-28](#) Attachment
- CP&P Form [9-28a](#), Notification Letter to Non-Offending Parent/Caregiver if Child Abuse/Neglect is Substantiated
- CP&P Form [9-30](#), Notification Letter to Parent, Guardian or Caregiver and Alleged Perpetrator if Child Abuse/Neglect is Unfounded
- CP&P Form [9-36](#), Notification Letter to Perpetrator (Established Perpetrator) If Child Abuse/Neglect is Established
- CP&P Form [9-37](#), Notification Letter to Non-Offending Parent/Caregiver if Child Abuse/Neglect is Established
- CP&P Form [9-38](#), Notification Letter to Parent, Guardian or Caregiver and Alleged Perpetrator if Child Abuse/Neglect is Not Established
- DCF Form [9-82](#), Notice to Non-Offending Parent/Caregiver of Change of Child Abuse or Neglect Finding
- DCF Form [9-83](#), Notice of Change of Child Abuse or Neglect Finding (CP&P/IAIU)

- DCF Form [9-84](#), Notice of Change of Child Abuse or Neglect Finding (AHU)
- IAIU Form [3-17](#), IAIU Letter to Confirmed Perpetrator, Substantiated
- IAIU Form [3-30](#), Notice to Law Enforcement to Destroy Information Regarding Child Abuse or Neglect Incident